



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, बुधवार, 18 नवम्बर, 1959/27 कार्तिक, 1881

HIMACHAL PRADESH ADMINISTRATION

MEDICAL AND PUBLIC HEALTH DEPARTMENT

NOTIFICATION

Simla-4, the 17th September, 1959/26th Bhadra, 1881

No. M. 19-283/58.—In exercise of the powers conferred upon him under sections 2 and 5 read with section 8 of the Poisons Act, 1919, the Lieutenant Governor, Himachal Pradesh proposes to make the following Rules which are hereby published for information of persons likely to be affected thereby and notice is hereby given that the Draft Rules shall be taken into consideration on or after expiry of one month from the date of publication of this notification in the Official Gazette.

Any objection or suggestion which may be received from any person with respect to the said Rules before the date mentioned above shall be considered by the Himachal Pradesh Administration:

RULES UNDER SECTION 2 OF THE POISONS ACT OF 1919

1. In these Rules "the Act" means the Poisons Act, 1919.
2. The substances deemed to be poisons within the meaning of the Act are those enumerated in the Schedule appended to these Rules.
3. No person not exempted under the provisions of the Act shall sell or possess for sale any poison specified in the schedule, except under a licence granted in that behalf by the District Magistrate.
4. The grant or withdrawal of a licence to any applicant shall be at the discretion of the District Magistrate whose decision thereon shall be final.
5. Subject to the provisions of rules 6 and 7, a licence granted under rule 3, shall remain in force for one year from the 1st January, or the date of issue, if later than the 1st January, to the 31st December following. Every applicant

for the grant or renewal of a licence shall make a written application to the District Magistrate, and such application shall bear a court-fee stamp.

6. A licence shall terminate on the death of the licence-holder or if granted to a firm or company, on the winding up or transfer of the business of such company.

7. The District Magistrate may, at any time, for any sufficient cause, revoke or cancel any licence granted under rule 3.

8. Every sale of poison shall, as far as possible, be conducted by the licence-holder in person, or where the licence-holder is a firm or company, through, or under the supervision of an accredited representative of such firm or company.

9. A licence-holder shall not sell any poison as specified in the schedule except to the following:—

- (a) Registered Medical Practitioner, Dentists or Veterinary Surgeons for use in their practice;
- (b) Chemists, Druggists and Compounders for use in dispensing of prescription of Medical Practitioners, Dentists and Veterinary Surgeons;
- (c) hospitals and dispensaries;
- (d) a Government Department or offices of the Government or local bodies for purpose of public service;
- (e) person or institution for purpose of scientific education or research only and not for personal use;
- (f) person who require the poison for the purposes of his trade or business.

The seller shall obtain before delivery of the poison a signed order from the purchaser giving the name, address and business of the purchaser, the name and quantity of the poison required and the purpose for which it is required, and shall satisfy himself that the signature and other details are genuine and the poison is likely to be used in the business stated.

10. (i) Every licence-holder shall maintain a register in which he shall enter all sales of poisons as specified in the schedule. The following particulars shall be entered in such register in respect of each such sale, namely:—

- (a) Name of poison.
- (b) Quantity sold.
- (c) Date of sale.
- (d) Name and address of purchaser.
- (e) Purpose for which the poison was stated by the purchaser to be required.
- (f) Signature of purchaser, (or thumb-impression, if illiterate) or in case of purchase by post, date of letter or written order and reference to the original in the file in which it is preserved.
- (g) Signature of Vendor.

(ii) In a separate portion of the register shall be entered in separate columns for each poison, the quantity of each poison sold daily and these entries shall be filled up, from day to day, and totalled daily.

(iii) The signature under item (g) of the register shall be that of the licence-

holder himself, or, when the licence-holder is a firm or company that of an accredited representative of such firm or company, and shall be entered at the time of sale or despatch to the purchaser. Such signature shall be held to imply that the writer has satisfied himself that the requirements of rule 9 have been fulfilled.

(iv) All letters or written orders referred to in head (f) of the register shall be preserved in original by the licence-holder for a period of not less than two years from the date of the sale.

11. (i) A licence-holder shall maintain in respect of each poison specified in rule 2, a stock register which shall contain the following particulars:—

- (a) Serial number.
- (b) Date.
- (c) Amount received.
- (d) Name and address of person from whom received.
- (e) Amount Sold.
- (f) Balance in Stock.
- (g) Remarks.

(ii) The stock register shall be balanced daily.

12. Any Magistrate or Police Officer of or above the rank of Sub-Inspector, any Revenue Officer of or above the rank of Naib-Tehsildar, any Excise Inspector or Sub-Inspector or any Medical Officer of or above the rank of the Assistant Surgeon may at any time visit and inspect the premises of a license-holder where poison is kept for sale and may inspect all poisons found therein and the registers maintained under rule 10 and 11.

13. All poisons kept for sale by any licence-holder under these Rules (except those kept by a chemist, druggist or compounder for the purpose of dispensing or compounding in compliance with the prescription of a qualified medical or veterinary practitioner) shall be kept in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a licence granted under the Act, and each poison shall be kept, within such box, almirah, room or building in a separate closed receptacle of glass, metal or earthenware. Every such box, almirah, room or building and every such receptacle, shall be marked with the word 'Poison' in red characters, both English and Vernacular, and in the case of receptacles containing separate poisons with the name of such poison.

14. When any poison is sold it shall be securely packed in a closed receptacle or packet (according to the quantity) and every such receptacle or packet shall be labelled by the vendor with a red label, bearing the name of the person in English and the Vernacular, and the number and date of entry in the register of sales specified in rule 10.

15. A licence-holder shall not sell any poison to any persons unless the latter is personally known to him, or indentified to his satisfaction. He shall not sell any poison to any person who appears to him to be under the age of 18 or to any person who does not appear to him to be in full possession of his faculties or to any wandering medicant.

16. No person shall sell, possess for sale, handle or be allowed to handle in any industrial operation any poison enumerated in Part III of the schedule which is not labelled in accordance with the provisions of rule 17.

17. All vessels, packages or coverings containing poisons enumerated in Part III of the Schedule annexed hereto shall be marked as follows in English and Hindi:

- (a) "Poison—handle with care", in case they contain any poison or poisons of Group A. The label will be dark red in colour.
- (b) "Dangerous—handle with care", in case they contain any poison or poisons of Group B. The label will be bright red in colour.
- (c) "Injurious—do not touch contents with fingers", in case they contain any poison or poisons of Group C. The label will be pale red in colour.

18. *Labels.*—No standard size of labels, prescribed by the last preceding rule, can be fixed, as varying sizes may be required for different types of vessels, packages or coverings. But the labels should be prominent so as to attract immediate attention, and the print thereon should be sufficiently bold. Except in the case of fibre (paper, jute, hemp, etc.) bags, the labels should be of the stick on type. Fibre bags should have "tie on" labels.

SCHEDULE

The following substances are deemed to be poisons within the meaning of Act XII of 1919:

PART I

1. Aconite, Nux Vomica, Stramonium (dhatura) and Ergot.
2. Perchloride of Mercury, Cyanide of Potash, Prussic Acid and Sodium Cyanide or any mixture of two or more of these.
3. Argemone and Argemone oil.
4. Aconitine, Strychnine, Hyoscyamine, Hyoscine and Gelsemine or Gelseminine whether as free Alkaloids or as Salts of these Alkaloids.
5. Arsenic and its compounds:

A. Sulphides of Arsenic

- (i) Red Sulphide (vern), Mansil.
- (ii) Yellow Sulphide (vern), Hartal.

B. Impure Sulphides of Arsenic

- (i) Black arsenic (vern), Kala Sankhia.
- (ii) Impure orpiments.
- (iii) White oxide (vern), Safed Sankhia.
- (iv) Pink sulphide (vern), Gulabi Sankhia.
- (v) Brown sulphide (vern), Bhura Sankhia.

C. Green Arsenic

- (i) Arsenite of copper (vern), Hirwa.
- (ii) Aceto-arsenite of copper (vern), Hirwa.

6. Oxalic Acid, Picric Acid, Barium Carbonate, Plumbago Rosia and Plumbago Zoylanica.

7. Hydrochloric Acid or any dilution thereof containing more than 9 per cent of the acid.
8. Nitric Acid or any dilution thereof containing more than 9 per cent acid.
9. Sulphuric Acid or any dilution thereof, containing more than 9 per cent of the Acid.
10. Hydrocyanic Acid or any dilution thereof containing 2 per cent of the Acid.

PART II

Insecticides:

- (i) Parathion.
- (ii) Tetraethyl Pyrophosphate.

Rodenticides:

- (i) Alpha-naphthyl Thiourea.

Fungicides;

- (i) Ethoxy ethyl Mercury Chloride.
- (ii) Ethyl Mercury Phosphate.
- (iii) Phenyl Mercury Acetate.
- (iv) Ethyl Mercury Chloride.
- (v) Phenyl Mercury Chloride.
- (vi) Phenyl Mercury Urea.

Fumigants:

- (i) Methyl Bromide.
- (ii) Cyanides viz. the following:
Liquid Hydrocyanic Acid.
Sodium Cyanide.
Potassium Cyanide.
Calcium Cyanide.

Preparations:

Any preparations containing any of the aforesaid poisons.

PART III

I.—Group A.

1. Arsenious oxide.
2. Chrome alum.
3. Chrome green.
4. Chrome yellow.
5. Chromesol S.F.
6. Emerald green.
7. Kings yellow or orpiment.
8. Lead acetate.

9. Manganese peroxide.
10. Manganese sulphate.
11. Naples yellow.
12. Orange mineral.
13. Phosphoric acid.
14. Phosphorus.
15. Potassium bichromate.
16. Potassium cyanide.
17. Red lead.
18. Sodium bichromate.
19. Supper phosphate.
20. Trisodium phosphate.
21. Verdigris.
22. White lead.

II.—Group B.

1. Bleaching powder.
2. Caustic potash.
3. Caustic soda.
4. Ammonia (Sp. Fr. °.880 and under).
5. Hydrochloric acid (20 per cent and over).
6. Nitric acid (70 per cent and over).
7. Sulphuric acid (Sp. Gr. 1.740 and over).

III.—Group C.

1. Antimony sulphide.
2. Electrolytic Chlorine.
3. Silver nitrate.
4. Sodium sulphide.
5. Acetic acid (80 per cent and over).
6. Tartar emetic.

MITHAN LAL,
Under Secretary.